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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,682	07/08/2003	Robert Garcia	27614-2	9807

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O'Melveny & Myers LLP
IP&T Calendar Department LA-1118
400 South Hope Street
Los Angeles, CA 90071-2899

EXAMINER

QIN, YIXING

ART UNIT	PAPER NUMBER
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2625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/615,682

Applicant(s)

GARCIA, ROBERT

Examiner

Yixing Qin

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11/2/07 have been fully considered but they are not persuasive. While cited Manolis reference is also in the same field of endeavor as the applicant, in that is it trying to more efficiently process images. Manolis discloses the usage of thumbnails to facilitate more efficient processing. Thus, the examiner believes that the Manolis reference in combination with a new reference, Miller et al, teaches/suggests the claimed invention. Please see the rejection below for more details.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

I. Claims 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manolis et al (U.S. Patent No. 6,583,799) in view of Miller et al (U.S. P.G. Pub No. 2002/0181012) and further in view of Official Notice

Regarding claim 32, Manolis discloses a method for distributed image processing, comprising:

receiving both image data and image related data regarding user images from a user computer, (column 2, line 32 – column 3, line 5)

It does not explicitly disclose “the image data being pre-processed by a user on the user computer and in a binary large objects format, the image related data comprising an image description, an image capture date, and an image price;”

However, Miller discloses in P[0022] that an image can be provided with a plurality of related parameters describing various information. While it does not explicitly disclose a capture date, the examiner is taking Official Notice on the fact that a capture date of the image can be related image of the data. The Examiner also takes Official Notice on the storage of image data in a binary format since that is well known (i.e. storage in a format such as bitmap)

Manolis and Miller are combinable because both are in the art of image enhancement and processing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have enabled images to be labeled or related to various data.

The motivation would have been to allow customization of image data for easier processing or recognition.

Therefore, it would have been obvious to combine Manolis and Miller to obtain the invention as specified.

storing the received image data and the received image related data in a host database; (Fig. 7, item 520)

providing a customer computer access to the stored image data and the stored image related data; (Fig. 9 shows a browser for uploading images)

receiving an image request for a subset of the user images from the customer computer; (Figs. 2A-2F)

adding a JPEG header to the stored image data for each of the requested user images to generate modified image data for each of the requested user images; (Fig. 4 and column 6, lines 44-57)

transmitting both the modified image data and the stored image related data for each of the requested user images to the customer computer; (column 2, lines 58-67) and

transmitting both the modified image data and the stored image related data to an image laboratory (column 2, line 66 – column 3, line 5 and column 9, line 28-35)

Regarding claim 33, Manolis discloses a method for distributed image processing, comprising:

receiving both image data and image related data regarding user images from a user computer, the image data being manipulated by a user on the user computer and in a binary large objects format the image related data comprising

at least one of an image description, an image capture date, and an image price;
(this limitation is similarly analyzed as claim 32's first limitation above)

storing the received image data and the received image related data in a
host database; (Fig. 7, item 520)

sending the stored image related data to a customer computer; ; (column
2, lines 58-67)

receiving an image request for a subset of the user images from the
customer computer; (Figs. 2A-2F)

changing the format of the requested user images by adding a JPEG
header to the stored image data for each of the requested user images to
generate modified image data for each of the requested user images; (Fig. 4 and
column 6, lines 44-57) and

transmitting both the modified image data and the stored image related
data for each of the requested user images to a remote location. (column 2, line
66 – column 3, line 5 and column 9, line 28-35)

Regarding claim 34, Manolis discloses the method of Claim 33, wherein
transmitting both the modified image data and the stored image related data
comprises transmitting both the modified image data and the stored image
related data to an image laboratory. (column 2, line 66 – column 3, line 5 and
column 9, line 28-35)

Regarding claim 35, Manolis discloses the method of Claim 33, wherein transmitting both the modified image data and the stored image related data comprises transmitting both the modified image data and the stored image related data to an image output device. (column 2, line 66 – column 3, line 5 and column 9, line 28-35 – the image laboratory has a printer for outputting images)

Regarding claim 36, Manolis discloses the method of Claim 33, wherein transmitting both the modified image data and the stored image related data comprises transmitting both the modified image data and the stored image related data to the customer computer. (column 2, lines 58-67)

Regarding claim 37, Manolis discloses a system for distributed image processing, comprising:

a user computer, the user computer storing image data regarding user images manipulated by a user with the user computer, the image data being in the form of binary large objects; (this limitation is similarly analyzed as the first limitations of claims 32 and 33)

at least one customer computer; (Fig. 1) and

a host site in communication with the user computer, the at least one customer computer, and the image laboratory; (Fig. 7)

wherein the host site is adapted to:

receive both the image data and image related data from the user computer, the image related data comprising at least one of an image

description, an image capture date, and an image price; (this limitation is similarly analyzed as the first limitations of claims 32 and 33)

store the received image data and the received image related data in a host database; (Fig. 7, item 520)

provide the at least one customer computer access to the stored image data and the stored image related data (Fig. 9)

receive an image request for a subset of the user images from the at least one customer computer; (Figs. 2A-2F)

add a JPEG header to the stored image data for each of the requested user images to generate modified image data for each of the requested user images; (Fig. 4 and column 6, lines 44-57) and

transmit both the modified image data and the stored image related data for each of the requested user images to the at least one customer computer. (column 2, line 66 – column 3, line 5 and column 9, line 28-35)

Regarding claim 38, Manolis discloses the system of Claim 37, wherein the host site is further adapted to transmit both the modified image data and the stored image related data for each of the requested user images to an image laboratory. (column 2, line 66 – column 3, line 5 and column 9, line 28-35)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


YQ


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